

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

No. CR 10-2653 JB

DERRICK IVAN JIM,

Defendant.

**MEMORANDUM OPINION AND ORDER**

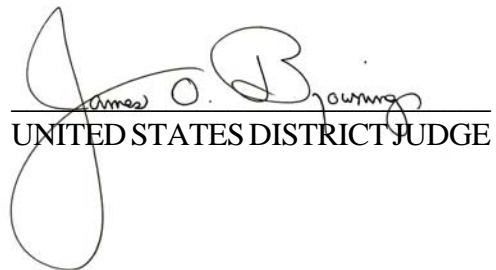
**THIS MATTER** comes before the Court on Defendant Derrick Ivan Jim's Motion in Limine [sic] to Exclude Defendant's Prior Criminal History, filed December 29, 2011 (Doc. 79) ("Motion on Criminal History"). The Court held a hearing on December 30, 2011. The primary issue is whether the Court should order the United States not to introduce evidence of or refer to Defendant Derrick Ivan Jim's criminal history. Plaintiff United States of America filed the United States' Response to Defendant's Motion in Limine to Exclude Evidence of Prior Convictions for Driving Under the Influence on December 29, 2011. See Doc. 81 ("Response"). The United States represents that it does not intend to introduce evidence of Jim's prior convictions, but reserves the right to do so should Jim make representations -- directly, through counsel, or through other witness -- that are inconsistent with his history. See Response at 1. At the hearing, the parties agreed that Jim's criminal history will generally be inadmissible, but the United States may use his criminal history to impeach if Jim, his counsel, or witnesses make representations inconsistent with his history. See Transcript of Hearing at 52:6-13 (December 30, 2011)(Court, Chacon)("Tr.").<sup>1</sup>

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<sup>1</sup>The Court's citations to the transcript of the hearing refer to the court reporter's original, unedited version. Any final transcript may contain slightly different page and/or line numbers.

Accordingly, the Court will grant the Motion on Criminal History.

**IT IS ORDERED** that Defendant Derrick Ivan Jim's Motion in Line [sic] to Exclude Defendant's Prior Criminal History, filed December 29, 2011 (Doc. 79), is granted. The Court will order Plaintiff United States of America not to introduce evidence of Defendant Derrick Ivan Jim's criminal history, except to impeach after a witness makes a statement inconsistent with his history. Jim should be careful not to open the door to this evidence in his examinations.



UNITED STATES DISTRICT JUDGE

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